

NOTIFICATION OF ENHANCEMENT – IMPAIRED DRIVING

Defendant: _____, Case No. _____

IMPAIRED DRIVING CONVICTION

41-6a-502.5(1): With the agreement of the prosecutor, a plea to a class B misdemeanor charge of Driving under the Influence of Alcohol and/or Drugs committed on or after 7/1/08 may be entered as a conviction of Impaired Driving under 41-6a-502.5, if: (a) the defendant completes court ordered probation requirements; or (b) the prosecutor agrees as part of a negotiated plea and the court finds the plea to be in the interest of justice.

41-6a-502.5(2): A conviction of Impaired Driving under 41-6a 502.5 is a class B misdemeanor.

ENHANCEMENT / PENALTIES

1st or 2nd Impaired Driving Conviction 41-6a-502.5(6)(a): The court shall order: (a) a screening and an assessment (if it is found appropriate by the screening); and (b) an educational series (unless the court orders substance abuse treatment).

3rd or Subsequent Impaired Driving Conviction 41-6a-502.5(6)(b): The court shall order a screening and assessment and substance abuse treatment at a program providing intensive care or inpatient treatment and long-term closely supervised follow-through after treatment for not less than 240 hours.

Note: 41-6a-501(2)(a): An Impaired Driving Conviction is, by statute, considered to be a “prior conviction” under the DUI laws concerning second, third or subsequent convictions.

Note: 41-6a-529: A DUI conviction will result in the defendant being classified as an alcohol-restricted driver for the periods prescribed in this section. It is a class B misdemeanor for an alcohol-restricted driver to operate or be in actual physical control of a motor vehicle in this state with any measurable or detectable amount of alcohol in the person's body.

Minimum / Maximum Sentence

Class B Misdemeanor: 0 days to 6 months jail; \$0 to \$1,890 in fines and surcharges, plus interest

I understand the foregoing Notification of Enhancement as explained here and as orally explained to me.

Date

Defendant